

CITY-COUNTY GENERAL ORDINANCE NO. 92, 1994  
Proposal No. 266, 1994

METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 94-AO-7

A GENERAL ORDINANCE to the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County which ordinance includes the Commercial Zoning Ordinance, as amended, and the Special Use Districts Zoning Ordinance and fixing a time when the same shall take effect.

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana, as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Commercial Districts Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Appendix D, (adopted under Metropolitan Development Commission Docket Numbers 69-AO-1, 75-AO-3, 76-AO-3, 79-AO-4, 80-AO-1, and 92-AO-4), as amended, pursuant to IC 36-7-4, be further amended by adding a new subsection C in Section 2.00 to read as follows:

Sec. 2.00. Commercial Zoning District regulations.

C. Prohibited Uses. Uses for which the following Special Use Districts are provided, under the Special Use Districts Zoning Ordinance (as last amended by Docket No. 94-AO-4) as in effect from time to time, shall not be permitted in any Commercial Zoning District created under this Commercial Zoning Ordinance:

SU-8 Correctional and penal institution

SU-10 Cemetery

SU-13 Sanitary Landfill

SU-18 Light or power substation

SU-23 Permanent gravel or sand processing plat, rock crushing, grinding or milling and stock piling.

SU-28 Petroleum refinery and petroleum products storage.

SU-35 Telecommunication receiving or broadcasting tower and associated accessory buildings.

SU-39 Water tank, water pumping station and similar structures not located on buildings.

SU-41 Sewage disposal plant; garbage feeding and disposal.

SU-42 Gas Utility

SU-43 Power transmission lines.

SU-44 Off-track Pari Mutuel Wagering Facilities, Licensed as Satellite Facilities under IC 4-31-5.5.

SECTION 2. The Special Use Districts Zoning Ordinance, as adopted under Metropolitan Development Commission Docket Numbers 66-AO-3, 67-AO-5, 68-AO-13, 78-AO-1, and 94-AO-4, be further amended by deleting the stricken-through language and inserting the underlined language to read as follows:

SPECIAL USE DISTRICTS ZONING ORDINANCE  
OF MARION COUNTY, INDIANA

CHAPTER I

Sec. 1.00. Establishment of Special Use Zoning Districts -Permitted Uses

The following primary Special Use Zoning Districts for Marion County, Indiana, are hereby established, and land within said County zoned to said district classifications shall be designated on the applicable zoning maps by the following zoning district symbols, respectively (which maps are hereby incorporated by reference and made a part of this ordinance). No use shall be permitted in any Special Use Zoning District other than the following permitted use or uses specified for each said district, respectively:

<i>Special Use Zoning District</i>	<i>Symbol</i>	<i>Permitted Use</i>
I	SU-1	Religious use (as defined in section 2.01,B.
II	SU-2	School
III	SU-3	Golf course, golf driving range, golf country club--public or private
V	SU-5	Radio receiving or broadcasting tower and accessory buildings
VI	SU-6	Hospital, sanitarium, nursing home
VII	SU-7	Charitable, philanthropic and not-for-profit institution
VIII	SU-8	Correctional and penal institution
IX	SU-9	Building(s) and grounds used by any department of town, city, township, county, state or federal government
X	SU-10	Cemetery
XIII	SU-13	Sanitary landfill
XVI	SU-16	Indoor and outdoor commercial amusement, recreation and entertainment establishment.
XVIII	SU-18	Light or power substation.
XX	SU-20	Telephone exchange offices.
XXIII	SU-23	Permanent gravel or sand processing plant, rock crushing, grinding or milling and stock piling.
XXVIII	SU-28	Petroleum refinery and petroleum products storage.
XXXIV	SU-34	a. Club rooms b. Fraternal rooms--Fraternity and lodge c. Ballroom--Public
XXXV	SU-35	Telecommunication receiving or broadcasting tower and associated accessory buildings.
XXXVII	SU-37	Library
XXXVIII	SU-38	Community center
XXXIV	SU-39	Water tank, water pumping station and similar structures not located on buildings.
XXXXI	SU-41	Sewage disposal plant; garbage feeding and disposal
XXXXII	SU-42	Gas utility
XXXXIII	SU-43	Power transmission lines
XXXXIV	SU-44	<u>Off-track pari mutuel wagering facilities, licensed as satellite facilities under IC 4-31-5.5</u>

Including for each said district, Accessory Uses and Structures, subordinate, appropriate and incidental to the above permitted primary uses.

## CHAPTER II

### Sec. 2.00. Special Use District Regulations

The following regulations shall apply to all land within the Special Use Districts.

#### A. *Applicability Of Regulations.* After the effective date of this ordinance:

1. With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.
2. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance and until the proposed site and development plan and landscape plan have been filed with and approved on behalf of the Metropolitan Development Commission by the Administrator of the Neighborhood and Development Services Division or approved by said Metropolitan Development Commission, as hereinafter provided. Said request shall be in the form of an application for an Improvement Location Permit.

Upon the application for such permit request, the Administrator of the Neighborhood and Development Services Division on behalf of the Metropolitan Development Commission, shall consider and either approve, disapprove, or approve subject to any conditions, amendments or covenants by the petitioner, the proposed site and development plan and landscape plan. (The action of the Administrator upon such permit application shall be subject to the filing of an appeal in the form of an Approval Petition, within ten (10) days of denial of said approval, by any aggrieved person to the Metropolitan Development Commission as specified in the Rules of Procedure of the Metropolitan Development Commission.)

The Metropolitan Development Commission may consider and act upon such appeals of the action of the Administrator at any public meeting of the Commission, and shall either approve, disapprove, or approve subject to any conditions, amendments, or covenants by the petitioner, the site and development plan and landscape plan. The Approval Petition shall be heard in accordance with the Metropolitan Development Commission's Rules of Procedure.

No building or structure shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated in said Special Use Districts of Indianapolis, Marion County, Indiana, without an Improvement Location Permit, and said permit shall not be issued until the proposed site and development plan has been approved in accordance with this section.

3. Legally established nonconforming uses and structures or buildings not located in any Flood Control District may be restored to their original dimensions and conditions if damaged or partially destroyed by fire or other naturally occurring disaster, provided the damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the building or structure affected.
4. All land use within the Special Use Districts shall be limited to the use or uses existing on the effective date of this ordinance or specified in the applicable rezoning petition or ordinance redistricting and zoning the particular land to that District.

B. *Performance Standards.* All uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards. No use in existence on the effective date of this ordinance shall be so altered or modified as to conflict with these standards.

1. *Vibration:* No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
2. *Smoke, dust and particulate matter:* Smoke, dust, particulate matter and any other air borne material shall be subject to, and comply with, the standards and regulations of the Air Pollution Ordinance as contained in Chapter 4 of the Code of Indianapolis and Marion County, Indiana, and regulations promulgated pursuant thereto by the Indianapolis Air Pollution Control Board.
3. *Noxious matter:* No use shall discharge across the lot lines, noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
4. *Odor:* No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
5. *Sound:* No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat, frequency, shrillness or vibration.
6. *Heat and glare:* No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
7. *Waste matter:* No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, and the Stream Pollution Control Board of the State of Indiana and the Department of Public Works of Indianapolis, Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

C. *Development Standards* All uses permitted within the Special Use Districts shall be administratively reviewed (as noted in Section 2.00, A, 1 and 2), using as a guide the development standards applicable to the specified district as follows:

<i>Special Use Zoning District</i>	<i>Applicable District For Development Standards Compliance</i>
SU-1	C-1
SU-2	C-1
SU-3	C-5
SU-5	I-2-S
SU-6	C-2
SU-7	C-2
SU-8	C-2
SU-9	C-1
SU-10	C-1
SU-13	(As per Section 2.00, D)

SU-16	C-5
SU-18	I-1-S
SU-20	C-1
SU-23	I-5-S
SU-28	I-4-S
SU-34	C-3
SU-35	I-2-S
SU-37	C-1
SU-38	C-3
SU-39	C-1
SU-41	I-5-S
SU-42	C-1 (And as per Section 2.00, E)
SU-43	I-1-S
<u>SU-44</u>	<u>C-3</u>

The Administrator, in reviewing Special Use District development, shall have the power to modify the standards noted above, and approve alternatives for those requirements so long as the alternative standards are appropriate for the site and its surroundings and the site development is compatible and consistent with the intent of the stated standards. Such modifications shall be noted on the site and development plan, stamped approved by the Administrator and become a part of the file and requirements for the Improvement Location Permit.

*D. Additional Development Standards for the Special Use XIII (SU-13) District* In addition to the regulations of Section 2.00 A, B, and C, the following regulations shall apply to Special Use District XIII (SU-13):

1. *Land use restriction:* Land use permitted in the SU-13 District shall be limited to "sanitary landfill" operations, as defined in Section 2.01, B.

Whenever the applicable standards or requirements of any other ordinance, or governmental unit or agency thereof are higher or more restrictive, the latter shall control land use permitted in the SU-13 District.

"Open Dumping", as defined in Section 2.01, B, shall not be permitted in the SU-13 District.

No use in the SU-13 District shall be maintained or operated in a manner constituting a hazard to health, safety or the public welfare.

2. *Minimum lot area:* Ten (10) acres.
3. *Minimum frontage:* Three hundred (300) feet.
4. *Minimum yards:* Minimum required depth of front, rear and side yards, surrounding the landfill operation: One hundred (100) feet.

No landfill operation, or portion thereof, shall be permitted within one hundred (100) feet of any lot line.

5. *Fencing:* The entire landfill operation shall be enclosed with a substantial wall, fence at least five (5) feet in height, or other adequate barrier.

6. *Buffer strip:* A buffer planting strip, at least thirty (30) feet in depth, shall be provided and maintained between the lot lines and the above required fencing or other enclosure.
7. *Signs:* Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
8. *Access drive:* Distance of driveway entrance or exit from any adjacent lot line shall be at least one hundred twenty-five (125) feet.

Any portion of such access drive within a distance of one hundred fifty (150) feet of the public street shall be paved or treated so as to be dust free.

9. *Required permit, site and operational plan; bond: a*

No sanitary landfill operation (or phase thereof) shall be permitted in the SU-13 District until a Permit has been issued by the Neighborhood and Development Services Division and a bond filed therefore, as required by sub-paragraph b. hereof.

- b. Applications for the Permit required by subparagraph a. above shall be made in writing and shall be accompanied by a corporate surety bond for the faithful performance of all applicable requirements of this ordinance, including the operation and the completion of the sanitary landfill in accordance with the approved Site and Operational Plan, as required by sub-paragraph c. hereof. (Such Permit may be issued and bond filed for the total operation or for one or more phases thereof, as shown on the Site and Operational Plan.)

Said bond shall run jointly and severally to the Metropolitan Development Commission of Marion County, Indiana, and any other governmental agency requiring a similar bond, and shall be in the amount of ten thousand dollars (\$10,000.00) per operation, with approved surety. Said bond shall specify the time for completion of all applicable requirements of this ordinance and shall specify the total operational area, or phase thereof, covered by the bond.

- c. Applications for the Permit required by sub- paragraph a. above shall be accompanied by the following:

- (1) proposed Site and Operational Plan, including topographic maps (at a scale of not over one hundred [100] feet to the inch) with contour intervals which clearly show the character of the land and geological characteristics of the site as determined by on-site testing or from earlier reliable survey data, indicating soil conditions, water tables and subsurface characteristics.

Said Plan shall indicate: the proposed fill area; any borrow area; access roads; on-site drives; grades for proper drainage of each lift required and a typical cross- section of a lift; special drainage devices if necessary; location and type of fencing; structures existing or to be located on the site; existing wooded areas, trees, ponds or other natural features to be preserved; existing and proposed utilities; phasing of landfill operations on the site; a plan and schedule for site restoration and completion; a plan for the ultimate land use of the site; and all other pertinent information to indicate clearly the orderly development, operation and completion of the sanitary landfill. Approval of said Site and Operational Plan by the Administrator of the Neighborhood and Development Services Division shall be required prior to the issuance of said permit.

(2) An area map.

10. *Operation:*

- a. Supervision of operation. A landfill operation shall be under the direction of a responsible individual at all times. Access to a sanitary landfill shall be limited to those times when an attendant is on duty and only to those authorized to use the site for the disposal of refuse. Access to the site shall be controlled by a suitable barrier.
- b. Unloading of refuse. Unloading of refuse shall be continuously supervised.
- c. Site maintenance. Measures shall be provided to control dust and blowing paper. The entire area shall be kept clean and orderly.
- d. Spreading and compacting of refuse. Refuse shall be spread so that it can be compacted in layers not exceeding a depth of two (2) feet of compacted material. Large and bulky items, when not excluded from the site, shall be disposed of in a manner approved by the Health and Hospital Corporation.
- e. Daily cover. A compacted layer of at least six (6) inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.
- f. Final cover. A layer of suitable cover material compacted to a minimum thickness of two (2) feet shall be placed over the entire surface of each portion of the final lift not later than one (1) week following the placement of refuse within that portion.
- g. Maintenance of cover. All daily cover depths must be continually maintained and final cover depths shall be maintained for a period of two (2) years.
- h. Hazardous materials, including liquids and sewage. Hazardous materials, including liquids and sewage, shall not be disposed of in a sanitary landfill unless special provisions are made for such disposal through the health department having jurisdiction. This provision in no way precludes the right of a landfill operator to exclude any materials as a part of his operational standards.
- i. Burning. No refuse shall be burned on the premises.
- j. Salvage. Salvaging, (the controlled removal of reusable materials), if permitted, shall be organized so that it will not interfere with prompt sanitary disposal of refuse or create unsightliness or health hazards. Scavenging (the uncontrolled removal of materials) shall not be permitted.
- k. Insect and rodent control. Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner. Supplemental insect and rodent control measures shall be instituted whenever necessary.
- l. Drainage of surface water. The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill, and to prevent the collection of standing water.

- m. Characteristics of cover material. Cover material shall be of such character that it can be compacted to provide a tight seal and shall be free of putrescible materials and large objects.
- n. Water pollution and nuisance control. Sanitary landfill operations shall be so designed and operated that conditions of unlawful pollution will not be created and injury to ground and surface waters avoided which might interfere with legitimate water uses. Water-filled areas not directly connected to natural lakes, rivers or streams may be filled with specific inert material not detrimental to legitimate water uses and which will not create a nuisance or hazard to health. Special approval of the inert material to be used in this manner shall be required in writing from the Health and Hospital Corporation. Inert material shall not include residue from refuse incinerators.
- o. Equipment. Adequate numbers, types and sizes of properly maintained equipment shall be used in operating the landfill in accordance with good engineering practice and with these rules.

Emergency equipment shall be available on the site or suitable arrangements made for such equipment from other sources during equipment breakdown or during peak loads.

11. *Completion of Landfill:* Upon completion of the landfill operation, or any phase thereof as indicated on the approved Site and Operational Plan, the land shall be graded, backfilled and finished to a surface which will:
  - a. result in a level, sloping or gently rolling topography in substantial conformity or desirable relationship to the original site, and land area immediately surrounding, and
  - b. minimize erosion due to rainfall. Such graded or backfilled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of vegetation producing land areas immediately surrounding, and to a depth of at least six (6) inches.

Said topsoil shall be planted with trees, shrubs, legumes or grasses, as indicated on the approved Site and Operational Plan.

E. *Additional Development Standards for the Special Use XXXXII (SU-42) District.* In addition to the regulations of Section 2.00 A, B and C, the following regulations shall apply to all gas conditioning and control facilities, including odorizing, mixing, metering and high pressure regulating substations permitted under such Special Use District XXXXII (SU-42), and where the word "lot" is used in the following twelve paragraphs it shall be deemed to include, but not be limited to, any area of land designated as a lot on a platted subdivision or described on a duly recorded deed or area or parcel of land or site:

1. The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association, a copy of which is on file in the office of the Neighborhood and Development Services Division, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacture shall not produce a hazard or endanger the public health, safety and welfare.
2. All uses shall conform to the Atomic Energy Commission's standards for protection against radiation, a copy of which is on file in the office of the Neighborhood and Development



Services Division, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof.

3. All uses shall conform to the Federal Communications Commission's standards governing electromagnetic radiation, a copy of which is on file in the office of the Neighborhood and Development Services Division, Department of Metropolitan Development of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof.
4. No building or structure for uses permitted under such Special Use District XXXXII (SU-42) shall be constructed and no premises shall be used for such purposes on any lot which does not have direct frontage on one (1) permanently surfaced public street or highway.
5. All uses permitted under such Special Use District XXXXII (SU-42) shall provide hardsurfaced, off-street parking areas, including as a minimum requirement one (1) space (containing three hundred-thirty [330] square feet in addition to the necessary ingress and egress lanes) for each two employees, computed on the basis of the greatest number of persons employed at any one period during the day or night. Such parking areas must not extend within twenty (20) feet of any lot boundary except where said lot boundary abuts an active railroad line.

Such parking areas shall not be leased or rented for hire, but shall be for the sole use of the occupants and visitors of the premises.

6. The total of the gross floor area of all structures on the lot, excluding the gross floor area of off-street parking building space, shall not exceed one-half (1/2) the area of the lot on which the structures are located.
7. A front yard shall be required along every front lot line. A front yard shall be not less than the established setback for abutting land; provided, however, in the event such established set-backs of abutting land shall not be of equal depth, the front yard shall be not less than the depth of the greater, and in the event the abutting land is in an Industrial or Commercial District, the front yard shall be not less than sixty (60) feet in depth.

Provided further that in the event said lot adjoins a Dwelling District, the fence and hedge referred to in paragraph (12) hereof shall not be located closer to any street right-of-way than the established setback line of said Dwelling District, said fence to be not less than fifteen (15) additional feet from the outside of the building or structure as provided in said paragraph (12) hereof. Except for necessary walks, drives and parking areas not exceeding ten percent (10%) of the front yard area, a front yard shall be planted in grass or other suitable ground cover.

8. A side yard shall be provided along each side lot line. A side yard shall be at least fifty (50) feet in depth (except where it abuts a main line railroad) plus one (1) foot for each foot of height by which the building or structure exceeds twenty (20) feet.
9. A rear yard shall be provided along each rear yard line. A rear yard shall be at least fifty (50) feet in depth (except where it abuts an active main line railroad) plus one (1) foot for each foot of height by which the building or structure exceeds twenty (20) feet.
10. All signs shall meet the requirements of the Sign Regulations of Marion County, Indiana (71-AO-4).

11. All gas conditioning and control facilities permitted under such Special Use District XXXXII (SU-42) and equipment relating thereto shall be housed in buildings or structures of masonry construction, unless otherwise prescribed by law or by the standards of the National Fire Protection Association which are incorporated herein by reference and made a part hereof.
12. Each building or structure housing such facilities and equipment shall be enclosed by a six (6) foot chain link fence, with locked gate, not less than fifteen (15) feet from the outside of such building or structure and a compact hedge not less than six (6) feet in height between such fence and the property line. Said hedge shall not be located closer than twenty-five (25) feet to any street right-of-way. In the event said lot adjoins a Dwelling District, said fence and hedge shall not be located closer to any street right-of-way than the established setback line of said Dwelling District.

F. Additional regulations applicable to Special Use XXXXIV (SU-44) District. In addition to the regulations in Section 2.00 A, B and C, the following regulations shall apply to Special Use District XXXXIV (SU-44):

1. Permitted uses: The only commercial activities permitted in this district shall be:

- a. pari-mutuel wagering on horse races, and
  - b. providing full service dining facilities
- by the holder of a satellite facilities license issued under IC 4-31-5.5.

2. Development standards:

- a. All wagering and food and beverage service shall be conducted entirely inside the facility, which shall be designed so that none of the wagering activities, including bet-taking, video monitors, and odds and contest-result displays, shall be visible to any person at any location outside the facility.
- b. No drive-through service or outside sales shall be permitted.
- c. No outside speakers or video monitors shall be used to advertise or display the contests, odds or other information about the wagering activities conducted within the facility.
- d. Minimum parking of one (1) parking space per employee per largest work shift plus one (1) parking space for each seventy-five (75) square feet of gross area of the facility.
- e. No accessory structures shall be permitted.
- f. Lighting of parking area.
  - (1) When parking areas are illuminated, the lighting equipment shall provide good visibility with a minimum of direct glare.
  - (2) In applying exterior lighting, equipment shall be of an appropriate type and be so located, shielded and directed that the distribution of light is confined to the area to be lighted.

- (3) Objectionable light onto adjacent properties and streets shall be avoided to prevent direct glare or disability glare.
  - (4) Lighting levels for outdoor parking areas shall meet the following minimum average maintained horizontal footcandles (as specified in Architectural Graphics Standards, Eighth Edition, Ramsey/Sleeper John Wiley and Sons, Inc., New York, New York, a copy of which is on file in the Office of the Neighborhood and Development Services Division of the Department of Metropolitan Development of Marion County, Indiana and is hereby incorporated by reference and made a part hereof).
  - (5) Further, it shall be prohibited to:
    - (a) light an area by the use of stringers or unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter; and
    - (b) make use of attention attracting lighting from any apparatus of any type similar to that used by emergency vehicles.
3. No use of any land, structure or premises shall be permitted if any portion of the perimeter of the subject lot is located within five hundred (500) feet of the following zoning districts:
- a. Dwelling Districts,
  - b. Historic Preservation Districts,
  - c. Park Districts,
  - d. University Quarter Districts,
  - e. SU-1 District (Church),
  - f. SU-2 District (School),
  - g. SU-37 District (Library),
  - h. SU-38 District (Community Center).

In addition to the zoning districts noted above, this regulation shall also apply to any portion of the perimeter of a lot containing a church, elementary school, junior high school, high school, as defined in IC 20-10.1-1, college or university regardless of zoning classification.

If such use is a part of or included within an integrated center, the perimeter of the portion thereof or leased spaced occupied by such use shall be deemed the perimeter of the lot for purposes of the above distance computation.

Sec. 2.01. Construction of language and definitions.

A. *Construction of Language.* The language of this ordinance shall be interpreted in accordance with the following regulations:

- 1. The particular shall control the general.

2. In the case of any difference of meaning or implication between the text of this ordinance and any illustration or diagram, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either...or", the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - c. "Either...or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

**B. Definitions.**

1. *Administrator*: Administrator of the Neighborhood and Development Services Division or his/her appointed representative.
2. *Hardsurfaced*: Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.
3. *Lot line*: The legal boundary of a lot as recorded in the office of the Marion County Recorder.
4. *Lot line, front*: The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot lines; or, in the case of a through lot, the lot line which most closely parallels the primary entrance to the primary structure shall be considered the front lot line, or so declared by the Administrator.
5. *Lot line, rear*: A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot any, any lot line which intersects with a front lot line shall not be considered a rear lot line.
6. *Lot line, side*: Any lot line not designated as a front or rear lot line.
7. *Open dumping*: A site where refuse is dumped, which due to lack of control may create a breeding place for flies and rats, may catch fire or produce air pollution.

8. *Religious use:* A land use devoted primarily to divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to, educational, instructional, social or residential uses.
9. *Sanitary landfill:* A method of disposing of refuse on land without creating nuisances or hazards to public health, safety, or welfare by utilizing principals of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, covering it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary.
10. *Yard, front:* An open space unobstructed to the sky, extended fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line.
11. *Yard, rear:* An open space unobstructed to the sky extending fully across the lot situated between the rear lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line.
12. *Yard, side:* An open space unobstructed to the sky extending the length of the lot situated between a side lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first.

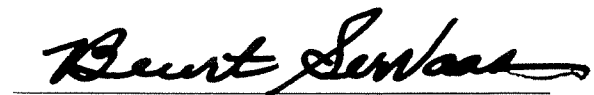
SECTION 3. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

SECTION 4. This ordinance shall be in full force and effect upon its adoption in compliance with IC 36-7-4.

The foregoing was passed by the City-County Council this 11th day of July, 1994 at 9:09 p.m.

ATTEST:

  
Clerk of the City-County Council

  
President

STATE OF INDIANA, MARION COUNTY )  
 ) SS:  
CITY OF INDIANAPOLIS )

I, Suellen Hart, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 266, 1994, a Proposal for a GENERAL ORDINANCE, passed by the City-County Council on the 11th day of July, 1994, by a vote of 23 YEAS and 3 NAYS, and was retitled General Ordinance No. 92, 1994, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 13th day of July, 1994.

  
Clerk of the City-County Council

(SEAL)